

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-20419

Honorable Nancy G. Edmunds

JARELL MARCUS JOHNSON,

Defendant.

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**OPINION AND ORDER DENYING MOTION FOR COMPASSIONATE RELEASE [110]**

Before the Court is Defendant Jarell Marcus Johnson's second motion to reduce his sentence to time served, filed under the authority of the compassionate release provision of 18 U.S.C. § 3582(c)(1)(A)(i), as amended by § 603(b)(1) of the First Step Act of 2018, Pub L. 115-391, 132 Stat. 5194, 5239. (ECF No. 110.) This statute grants authority to the district court to reduce a term of imprisonment for "extraordinary and compelling reasons" when the 18 U.S.C. § 3553(a) factors also favor a modification. See *United States v. Jones*, 980 F.3d 1098, 1100 (6th Cir. 2020).

Defendant first filed a *pro se* motion for compassionate release in May of 2020 based on his medical conditions in combination with the increased risk of exposure to COVID-19 in the congregate confinement of a prison setting. (ECF No. 102.) The Government filed a response in opposition to the motion. (ECF No. 105.) On September 17, 2020, the Court issued an order denying Defendant's motion because, among other things, there were no extraordinary and compelling reasons to warrant compassionate release and the 18 U.S.C. § 3553(a) factors weighed against release. (ECF No. 109.)

On July 16, 2021, Defendant filed the present motion (ECF No. 110) in which he presents many of the same arguments he did in his first motion. Although Defendant now provides updated information regarding the number of positive cases, recoveries, and deaths due to COVID-19 in his facility<sup>1</sup> and informs the Court of his COVID-19 diagnosis and subsequent recovery, this information does not change the Court's previous finding that there are no extraordinary and compelling reasons to reduce Defendant's sentence. Moreover, the § 3553(a) factors still do not favor early release.

For these reasons, and those in the Court's September 17, 2020 Order (ECF No. 109), Defendant's second motion for compassionate release (ECF No. 110) is DENIED.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: August 9, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 10, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager

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<sup>1</sup> The most recent data from the Federal Bureau of Prisons shows two current cases of COVID-19 among inmates and staff at Defendant's facility, FCI Fort Dix. Since the outbreak of the pandemic, there have been 1798 diagnoses and recoveries (inmates and staff) and two deaths (inmates). See *COVID-19 Cases*, Federal Bureau of Prisons (last updated August 5, 2021), <https://www.bop.gov/coronavirus/>.